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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Hungary

1. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Hungary (CERD/C/263/Add.6) at its 1143rd and 1144th meetings (see CERD/C/SR.1143-1144), held on 6 and 7 March 1996 and, at its 1150th meeting, held on 12 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee thanks the State party for the submission of its periodic report and welcomes the resumed dialogue with the Government of Hungary. The Committee appreciates the frankness and the comprehensiveness of the report, which contains detailed information on the implementation of the Convention. It regrets, however, that the report was overdue.

B. Factors and difficulties impeding the implementation of the Convention

3. It is recognized that the active policy of tolerance and openness towards minorities is still relatively new and is to be implemented in a context of profound political, social and economic change. It is further recognized that some social attitudes still prevalent and partly tolerated in the country are not conducive to the full implementation of the Convention.

C. Positive aspects

4. The fact that Hungary has made the declaration under article 14 of the Convention and has withdrawn its reservation previously made in relation to article 22 of the Convention is welcomed.

5. The many recent developments in Hungary that represent substantial steps in the transition towards democracy and pluralism are welcomed. The provisions of the new Constitution, the firm legal basis it provides for a democratic order, the thorough legal reform and the establishment of democratic institutions, some of which are particularly progressive, are noted with much appreciation.

6. The State party is commended for its new policy regarding minorities, based on the principles of preservation of their self-identity, special preference treatment and cultural autonomy.

7 The large and conscientiously prepared consultation to reach a political consensus on the question of minorities, which led to the adoption on 7 July 1993 of the Act on the Rights of National and Ethnic Minorities, is welcomed. The Act permits a renewal of the former process for assimilating national and ethnic minorities so that they may regain their linguistic and cultural identity.

8. The creation in 1990 of the Office for National and Ethnic Minorities as an independent administrative body and of the post of Ombudsman (Parliamentary Commissioner) for National and Ethnic Minority Rights, effective since mid-1995, is also welcomed.

9. The signing of agreements with neighbouring countries in connection with minority rights issues, in line with paragraph 7 of the Preamble to the Convention, is another subject of satisfaction.

10. The development of activities carried out in relation to article 7 of the Convention, including the wide diffusion of the text of the Convention and the encouragement of public debate on its contents, is also noted with satisfaction.

D. Principal subjects of concern

11. Grave concern is expressed at the persistence of expressions of racial hatred and acts of violence, particularly those by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Gypsies, Jews and people of African or Asian origin. Alarm is expressed that the Government has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups. In this regard, concern is expressed at information from various credible sources indicating that the number of charges and convictions, including against neo-Nazi skinheads and others, is low relative to the number of abuses reported.

12. Alarm is also expressed at apparent harassment and use of excessive force by the police against Gypsies and foreigners.

13. Concern is expressed that so far the State party has not fully implemented the provisions contained in article 4 (a) and (b) of the Convention, as partly recognized in the report, and attention is drawn to the Committee's General Recommendation No. XV.

14. The persistent marginalization of the large Gypsy population, in spite of continuing efforts by the Government, is a matter of serious concern. It is noted that the de facto discrimination Gypsies face in the enjoyment of their economic, social and cultural rights increases their vulnerability in a context of economic crisis. Concern is expressed that three quarters of Gypsies are unemployed, with almost no prospect of entering the labour market.

15. Concern is expressed that, according to the Act of 1993, for an ethnic group to be recognized as a minority, it must have lived on Hungarian soil for at least a century; this seems to be very restrictive.

16. The absence of demographic data on the minorities in different districts of the country makes any evaluation of activities intended for their benefit difficult. Equally, the lack of data on the representation of minorities in the local authorities and the lack of recent data on the situation of minorities in the fields of education, culture, the media and employment is regretted.

17. Concern is also expressed about the lack of clarity concerning the status of the Convention in Hungarian law.

E. Suggestions and recommendations

18. The Committee urges the Government of Hungary to take more active steps to prevent and counter attitudes and acts of racial violence against individuals. It recommends extreme vigilance towards the neo-Nazi skinheads and others and a stronger commitment to ensuring that there is no element of racism in law enforcement.

19. The Committee also expects the State party to clarify the relationship between the Convention and the Hungarian Constitution and laws.

20. The Committee recommends that the State party comply fully with its obligations under article 4 of the Convention and take all necessary steps to amend the Penal Code in that respect. Due account should be taken of the Committee's General Recommendation No. XV.

21. The Committee recommends increased attention to the protection of the Gypsies' civil, political, economic, social and cultural rights. The efforts to implement measures of affirmative action in that respect should be strengthened. Adequate indicators and other means of monitoring the economic and social conditions of this group should be developed. The Committee requests the State party to provide detailed information on such measures in its next report.

22. The Committee recommends that the State party provide in its next report, statistical data on the minorities in different districts, on their

representation in the local authorities, as well as recent data on their situation in the fields of education, culture, the media and employment.

23. The Committee recommends that the next report contain detailed information regarding allegations and prosecutions in the case of acts of racial discrimination.

24. The Committee suggests that the Government continue its action taken to publicize the provisions of the Convention. The public should also be better informed of the remedy available under article 14 of the Convention. In addition, the State party should ensure the wide dissemination of its report and of the concluding observations of the Committee.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States parties.

26. The Committee recommends that the State party's next periodic report be an updating report and address all the concerns expressed by the Committee.